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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF THE
APPLICATION OF BACA FLOAT
WATER COMPANY FOR AN
EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE
AND NECESSITY FOR WATER
SERVICE.

DOCKET NO. WS-01678A-07-0116

MOTION FOR EXTENSION OF
TIME TO FILE COMPLIANCE
ITEM

Pursuant to Decision No. 69949, Baca Float Water Company, Inc. ("Baca Float" or the "Company") is required to file "a copy of the ADEQ Approval to Construct the facilities needed to serve the first phase of development in the requested area" by October 30, 2009. Decision No. 69949 at 7. Baca Float, through counsel undersigned, hereby requests that the Arizona Corporation Commission extend the date to file this Approval to Construct by two years, until October 30, 2011.

By way of background, W&M Tenants in Common ("W&M TIC") initially sent Baca Float a request for water service on January 4, 2006. Decision No. 69949 ¶ 15. On February 21, 2007, Presidio de Tubac LLC ("Presidio de Tubac") sent Baca Float a similar request. Decision No. 69949 ¶ 15. Through a series of transactions the property owned by both W&M TIC and Presidio de Tubac was conveyed to Presidio de Tubac Development, Inc. ("Presidio Development"), thereby consolidating ownership of the parcels that comprise the certificate of convenience and necessity ("CC&N") extension area. See Letter from Mike Smith, Presidio Development, to Gary Brasher, Baca Float

Snell & Wilmer

LAW OFFICES
One Arizona Center, 400 E. Van Buren
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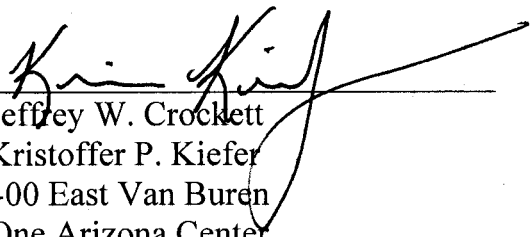
(August 27, 2009), attached hereto as Exhibit A; *see also* Letter from Mike Smith, Presidio Development, to Gary Brasher, Baca Float, (August 31, 2009), attached hereto as Exhibit B.

Due to the current economic downturn and associated slowing of the real estate market, Presidio Development has delayed its plans to begin constructing a master planned community in the CC&N extension area. *See Exhibit A*. Nevertheless, Presidio Development, as indicated in the attached correspondence, anticipates that construction will proceed as planned in 2011. *See id.* Despite the delay, Presidio Development re-stated its request for service and has indicated its support for this extension. *See id.* Baca Float further notes that this delay in filing the Approval to Construct will not impact its existing 300 customers in the adjacent service area.

In light of the foregoing, Baca Float respectfully requests an extension of the compliance deadline for filing the Approval to Construct for the facilities needed to serve the first phase of development until October 30, 2011.

RESPECTFULLY SUBMITTED this 3rd day of September, 2009.

SNELL & WILMER

By: 
Jeffrey W. Crockett
Kristoffer P. Kiefer
400 East Van Buren
One Arizona Center
Phoenix, Arizona 85004-2202
Attorneys for Baca Float Water
Company, Inc.

1 ORIGINAL and thirteen (13) copies of the foregoing
2 filed this 3rd day of September, 2009, with:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007-1104

5 COPY of the foregoing hand-delivered
6 this 3rd day of September, 2009 to:

7 Steve Olea, Director
8 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

9 Kevin O. Torrey, Staff Attorney
10 Legal Division
ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

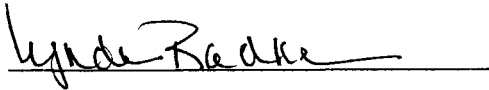
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EXHIBIT A

**Letter from Mike Smith, Presidio de Tubac Development, Inc., to Gary Brasher,
Baca Float Water Company (August 27, 2009)**

Presidio de Tubac Development, Inc

5013 E. Washington Street Suite 100
Phoenix, Arizona 85034
(602) 224-4500

August 27, 2009

Gary Brasher
Baca Float Water Company
Two Tubac Road
PO Box 1536
Tubac, AZ 85646

**Re: Request for Water Service
Project Update**

Dear Mr. Brasher:

When Presidio De Tubac, LLC requested to be included in the Baca Float Water Company's service area in early 2007, it was anticipated that we would be breaking ground on the project in mid 2008. It was not anticipated that we would be in a world wide recession at that time. As the current market conditions make it unfeasible to proceed with new construction of a master planned community, we have decided to postpone our project. The revised plan is to move the groundbreaking to the spring of 2011 in anticipation of the full recovery from this current recession. We support your request for your service area extension and very much desire to remain in the Baca Float Water Company service area, as this is a critical service to the community.

I would also like to take this opportunity to notify you of a change in ownership of the project. The assets of Presidio De Tubac, LLC were sold to Presidio de Tubac Development, Inc on May 8, 2008. I have attached a copy of the recorded Deed for your records. Our contact information remains the same.

Please contact me if you have any questions.

Sincerely,

Presidio de Tubac Development, Inc., an Arizona corporation

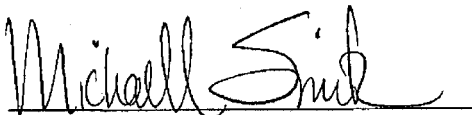
By: 
Name: Mike Smith
Title: Vice President

EXHIBIT B

**Letter from Mike Smith, Presidio de Tubac Development, Inc., to Gary Brasher,
Baca Float Water Company (August 31, 2009)**

Presidio De Tubac, LLC

5013 E. Washington Street Suite 100
Phoenix, Arizona 85034
(602) 224-4500

August 31, 2009

Gary Brasher
Baca Float Water Company
Two Tubac Road
PO Box 1536
Tubac, AZ 85646

***Re: Request for Water Service
Project History***

Dear Mr. Brasher:

Thank you for your inquiry as to the acquisition history of the Presidio De Tubac project.

The initial property of approximately 1000 acres was acquired in August 2005. The entity that acquired the property was a group of Tenants in Common (TIC) and the property was known as College, William & Mary or simply the tenants in common.

Subsequently, an LLC named Preserve at Tubac, LLC (PAT) was formed to assemble other properties in the area. On or about June of 2006 the Tenants in Common decided to join the Preserve at Tubac, LLC and they contributed their 1000 acres to it.


In January of 2007, Preserve at Tubac, LLC contributed its assets to Presidio de Tubac, LLC (PDT). I have attached copies of the deeds from the TIC to PAT to PDT for your reference.

As indicated in my letter of August 27, 2008, Presidio De Tubac, LLC sold all its assets to Presidio de Tubac Development, Inc. The deeds attached to that letter verify the current ownership of the property.

Please do not hesitate to contact me should you need further clarification.

Sincerely,

Presidio de Tubac Development, Inc., an Arizona corporation

By: 
Name: Mike Smith
Title: Vice President